
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Cablevision of Newark)	File No. EB-FIELDNER-15-00020464
Owner of Antenna Structure No. 1045843)	
Newark, New Jersey)	NOV No. V201632380001
)	

NOTICE OF VIOLATION

Released: January 14, 2016

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Cablevision of Newark (Cablevision), owner of antenna structure number 1045843, located in Newark, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On November 23, 2015, an agent of the Enforcement Bureau's New York Office inspected antenna structure #1045843 located at 360 Central Avenue, Newark, New Jersey and observed the following violation:

47 C.F.R. S: 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." Antenna structure #1045843 is assigned painting and lighting specifications in accordance with FAA Circular Number 70/7460-1J, FAA Chapters 4, 8, 13. Chapter 4 specifies flashing beacons and/or steady burning light during nighttime. At the time of inspection, the antenna structure had no red obstruction lighting.³

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ Records indicated a Notice to Airmen (NOTAM) was issued by the FAA on September 21, 2015 regarding the lack of red obstruction lighting on antenna structure #1045843. The NOTAM expired on October 21, 2015. No further NOTAMs regarding this structure have been issued.

⁴ 47 U.S.C. § 403.

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taken. Therefore, Cablevision must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Cablevision to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cablevision with personal knowledge of the representations provided in Cablevision's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

6. This Notice shall be sent to Cablevision of Newark at its address of record.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Stephen Maguire
District Director
New York Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).